

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mikael JAAKKOLA  
Application No.: 10 / 509,402 Group No.: 2618  
Filed: Sep. 23, 2004 Examiner: Tuan PHAM  
For: Personal telecommunication device with two parts...  
Reexamination control No.:

Mail Stop Appeal Brief—Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION OR EX PARTE REEXAMINATION—  
37 C.F.R. § 41.37)

NOTE: The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 154(b)(1)(A)(ii) (which provides an adjustment of patent term if there is a delay on the part of the Office to respond within 4 months after an "appeal was taken") means the date on which an appeal brief under § 1.192 (and not a notice of appeal) was filed. Compliance with § 41.37 requires that: 1. the appeal brief fee (§ 41.20(b)(2)) be paid (§ 41.37(a)(2)); and 2. the appeal brief complies with §§ 41.73(c)(i)-(x). See Notice of September 18, 2000, 65 Fed. Reg. 56366, 56385-56387 (Comment 38).

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on February 26, 2008 (Panel Decision dated April 17, 2008)

NOTE: Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. 37 CFR 41.(a)(1). The brief is no longer required in triplicate. The former alternative time for filing a brief (within the time allowed for reply to the action from which the appeal was taken)

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Lisette Ramos

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

has been removed. Appellant must file within two months from the notice of appeal. See Notice of August 12, 2004, 69 FR 49960, 49962.

## 2. STATUS OF APPLICANT

This application is on behalf of

☒ other than a small entity.

☐ a small entity.

A statement:

☐ is attached.

☐ was already filed.

## 3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ small entity \$250.00

☒ other than a small entity \$510.00

Appeal Brief fee due \$ 510.00

## 4. EXTENSION OF TERM

NOTE: 37 C.F.R. § 1.704(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

NOTE: The time periods set forth in 37 C.F.R. § 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). See also Notice of November 5, 1985 (1060 O.G. 27).

NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. § 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63, at 84 (Oct. 10, 1997).

☒ The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

**WARNING:** The provisions of 37 CFR § 1.136 do not apply in an *ex parte* reexamination. Any requests for extension must be made pursuant to 37 CFR 1.550(c).

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(5)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 510.00

Extension fee (if any) \$ \_\_\_\_\_

**TOTAL FEE DUE \$ 510.00**

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- ☐ A duplicate of this paper is attached.

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**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

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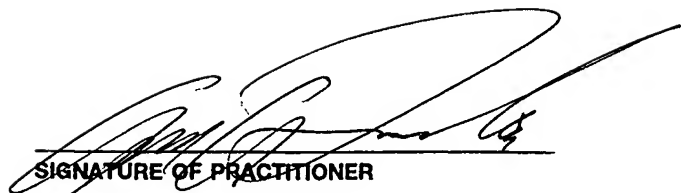
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SIGNATURE OF PRACTITIONER

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11th AP  
Attorney Docket 915-001.037  
Serial No. 10/509,402

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

First named inventor: **Mikael JAAKKOLA**  
Serial No.: **10/509,402**  
Filed: **September 23, 2004**  
Title: **Personal Telecommunication Device with Two Parts and  
Pronounced Potential for Self-Expression**  
Group Art Unit: **2618**  
Examiner: **Tuan PHAM**

**MAIL STOP: APPEAL BRIEFS--PATENTS**  
**COMMISSIONER FOR PATENTS**  
**P.O. BOX 1450**  
**ALEXANDRIA, VA 22313-1450**

**BRIEF FOR APPELLANT**

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed on February 26, 2008, appealing from the final Office Action of September 26, 2007 and the Advisory Action of February 5, 2008. This Appeal Brief follows the Notice of Panel Decision from Pre-Appeal Brief Review mailed on April 17, 2008 rejecting claims 1-26.

I hereby certify that this communication is being deposited with the United States Postal Service today, May 19, 2008, in an envelope with sufficient postage as first-class mail addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Lissette Ramos

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#### I. THE REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation, a corporation organized under the laws of Finland having a principal place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland.

#### II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

#### III. STATUS OF CLAIMS

The final Office action examined claims 1-26 and rejected same. For this appeal, the claims are unchanged. The independent claims are 1, 17, 23, and 25. Each independent claim is rejected under 35 USC §103(a) as being unpatentable over Kanesaka, et al (U.S. Patent No. 6,825,830) (hereinafter Kanesaka), in view of Marshall (U.S. Publication No. 2002/0095538), and further in view of Morton (U.S. Publication No. 2002/0178631).

#### IV. STATUS OF AMENDMENTS

No amendments have been filed since the mailing of the final Office action.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

As seen in Figure 1, the present invention is directed to a personal telecommunication device 100 that comprises two mechanically separate structural parts 101 and 102 with a short distance communication link 106 therebetween. Keypad part 102 incorporates a keypad 105 for allowing a human user to input information to the personal telecommunication device. Amulet 101 incorporates a display 103 for displaying information to a user of the device, as well as to allow the user of the device to self-express himself/herself, the amulet having a hanging arrangement 104 for allowing the amulet to be worn on the torso of the human user. The amulet further includes an electroacoustic transducer 412 and a microphone 413 for setting up an audio interface between the personal communication device and the user. A key aspect of the invention is that the amulet is separate from the keypad part and that due to the hanging

arrangement of the amulet, it is configured to have the display directed away from the user of the device so as to allow the user to self-express himself/herself with, for example, logos, text messages, graphical image, video clips, via the display while still enabling the user of the telecommunication device to use the device for telecommunication purposes.

Independent claim 1 is directed to such a personal communication device. Independent claim 23 is directed to a personal communication device having elements corresponding to claim 1, but written using means plus function terminology.

Independent claim 17 is directed to an amulet part for a personal telecommunication device having the above-recited features, including a display, an electroacoustic transducer, and a microphone, as well as a transceiver for establishing a communication between the microphone, electroacoustic transducer, and a personal telecommunication device for receiving information to be presented in said display from another part of the personal telecommunication device and a hanging arrangement for allowing the amulet part to be worn on the torso of the user so that the display is directed away from the human user to allow said human user to self-express himself/herself via said display. Independent claim 25 is directed to an amulet part corresponding to claim 17, but written using means plus function terminology.

## VI. ISSUES

The following issue will be addressed in the argument; namely, whether the final Office action and the subsequent advisory action erred in rejecting claims 1, 17, 23, and 25 under 35 USC §103(a) as being unpatentable over Kanesaka, Marshall, and Morton, and so erred in rejecting the dependent claims as well.

## VII. GROUPING OF THE CLAIMS

Group 1: Independent claims 1 and 23 directed to a personal communication device, and their corresponding dependent claims 2-16 and 24 respectively. The dependent claims are not separately argued.



Group 2: Independent claims 17 and 25 directed to an amulet part for a personal communication device, and their dependent claims 18-22, and 26 respectively. The dependent claims are not separately argued.

## VIII. ARGUMENT

### A. ERROR IN REJECTING CLAIM 1 UNDER 35 USC SECTION 103

At section 3 of the final Office Action, claim 1 is rejected under 35 USC §103(a) in view of Kanesaka further in view of Marshall and Morton.

With respect to claim 1, the Office asserts that Kanesaka has the same elements as the present invention except that Kanesaka fails to teach that the amulet comprises a microphone and speaker (electroacoustic transducer) for setting up an audio interface between the personal telecommunication device and a human user, which the Office asserts Marshall teaches, and further that Kanesaka and Marshall fail to teach the display as directed away from the human user to allow the human user to self-express himself/herself, which the Office asserts Morton teaches.

Kanesaka is directed to an information processing system having a wireless communication and thus is in the field of personal communication devices. As shown in Figure 1, it has a first information processing device (portable telephone) 100 and a second information processing device 101 with a second display 120. This second device is stated as being for displaying second level information corresponding to a sub-level of a first level of information shown on display 110 of portable telephone 100. There is no teaching or suggestion that this second display is for purposes of self-expression of the person using the device.

Marshall is directed to a portable information storage module whose main purpose is to offer a means for a user to personally entertain himself/herself with media such as a movie or music that is stored on a miniature electronic memory in the device and which is downloaded from an entertainment library 30 (see Figure 1). The device, including that shown in Figure 8, is not a personal telecommunication device.

The Office asserts that Marshall, by showing a microphone 206 and speaker 208 in a separate housing (module 200, Figure 8) would be combinable with Kanesaka for

transforming the information processing system in Kanesaka so as to operate in a manner similar to claim 1. However, it is clear in Kanesaka that the audio portion of the portable telephone 100 is actually in the portable telephone as seen in Figure 1 thereof and the description at column 4, lines 18-39. Portable telephone 100 is specifically described as including a speaker 204 and a microphone 205 (Kanesaka, column 5, lines 17-22). The second information processing device 101 is simply for purposes of having a display screen 120 for displaying second level information corresponding to a sub-level of the first level of information displayed by the portable telephone 100 (Kanesaka, column 4, lines 40-63).

There would be absolutely no reason for modifying the second information processing device 101 which is shown only with a display to further include an additional microphone and speaker. To do so as suggested by the Office would therefore teach away from Kanesaka and would, in fact, make Kanesaka inoperative by having two speakers and two microphones, one of each in two physically separated components. In MPEP §2143.01 V, it is specifically stated that if the proposed modification of the prior art would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (citing *In re Gordon* 733 F2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Just as in Gordon where the Court found that the Office's conclusion that it would be obvious to turn the referenced device upside down to show obviousness of the claimed invention and where the Court found that to do so would make the device inoperable for its intended purpose, here also, to combine a microphone and speaker as shown in Marshall to the second information processing device 101 in Kanesaka would effectively place a speaker and microphone in both the second information processing device 101, as well as in the portable telephone (first information processing device 100) of Kanesaka and thus would render the overall information processing device unsatisfactory for its intended purpose. In short, telephones do not have two microphones in two physically separated components, nor do they have two speakers in two physically separated components; for to do so would be nonsensical and non-functional.

Morton is unlike both Kanesaka and Marshall in that it is directed to a medical information storage and display device, the main purpose being to identify the person that

wears the device, as well as their medical information so as to be viewable by medical personnel when required. Although display 28 shown in Figure 3 of Morton as discussed in cited paragraph [0029] is for purposes of displaying medical information, it is clear that such medical information is displayed by pressing button 30 and is for purposes of providing information to a doctor or other medical personnel, especially if the user of the device is incapacitated. Thus, such a display is clearly not for purposes of self-expression since, in fact, it is an electronic identification tag.

It is therefore respectfully submitted that the combination of Kanesaka, Marshall, and Morton as suggested by the Office with respect to claim 1 does not suggest claim 1 since the combination of Marshall with Kanesaka in the manner as suggested by the Office would make Kanesaka unsatisfactory for its intended purpose and since the display device in Morton would, when combined with Kanesaka and Marshall, not make up for the inoperativeness of the combination of Kanesaka and Marshall. Furthermore, Morton does not suggest the displaying of information to third parties in order to allow the user of the display to self-express himself/herself.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is not obvious in view of the cited art.

For similar reasons, independent personal communication device claim 23 is distinguished over the cited references since it corresponds to claim 1, but written using means plus function elements.

#### B. ERROR IN REJECTING CLAIM 17 UNDER 35 USC SECTION 103

The same references are applied, but in a different order, with regard to independent claims 17 and 25 at section 4 of the final Official Action directed specifically to an amulet part for a telecommunication device. As discussed above with regard to claim 1, the combination of these three references fails to disclose the combination of elements, including the feature of a hanging arrangement for allowing the amulet part to be worn on the torso of a user so that the display is directed away from the user to allow the user to self-express himself/herself via said display of said amulet part. The amulet part further comprises a microphone and an electroacoustic transducer for communication with the personal telecommunication device. The combination of Kanesaka and Marshall would

necessarily result in there being two speakers and two microphones in the respective devices which, as indicated above, would cause the prior art information processing device of Kanesaka to be modified in a manner which would make it unsatisfactory for its intended purpose. It is therefore respectfully submitted that claim 17 is distinguished over the cited art.

For similar reasons, independent amulet part claim 25 is distinguished over the cited art, since it corresponds to claim 17, but written using means plus function elements.

IX. CONCLUSION

For all of the aforementioned reasons, it is respectfully submitted that the rejections of all the claims in the application; namely, claims 1-26, are erroneous and the rejections should be reversed. Allowance of all the claims in the application is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 for any fee deficiency required to submit this paper.

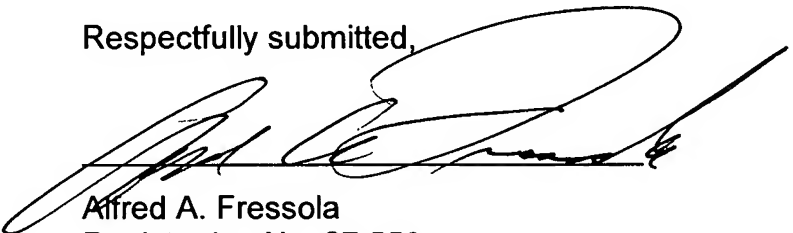
Respectfully submitted,

May 19, 2008

Date

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X. APPENDIX—THE CLAIMS INVOLVED IN THE APPEAL

1. *(previously presented)* A personal telecommunication device comprising:
  - a keypad for allowing a human user to input information to the personal telecommunication device and
  - a display for displaying information to a human user of the personal telecommunication device,
  - two mechanically separate structural parts, of which a first part is a keypad part that comprises the keypad and a second part is an amulet that comprises the display,
  - a short distance communication link between said keypad part and said amulet,
  - said amulet further comprising a hanging arrangement for allowing said amulet to be worn on the torso of a human user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet, and a microphone and an electroacoustic transducer for setting up an audio interface between the personal telecommunication device and a human user.
2. *(previously presented)* A personal telecommunication device according to claim 1, wherein said keypad part comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.
3. *(previously presented)* A personal telecommunication device according to claim 2, wherein the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet.
4. *(previously presented)* A personal telecommunication device according to claim 2, wherein said amulet comprises an input device, and the short distance communication link between said keypad part and said amulet is a bidirectional link adapted to convey input information from said input device in said amulet to said main processor in said keypad part.

5. *(previously presented)* A personal telecommunication device according to claim 2, wherein said keypad part comprises a microphone and an electroacoustic transducer for setting up an audio interface between the personal telecommunication device and a human user.
6. *(previously presented)* A personal telecommunication device according to claim 1, wherein in addition to said microphone said amulet comprises another input device that comprises at least one pressable key.
7. *(previously presented)* A personal telecommunication device according to claim 1, wherein in addition to said microphone said amulet comprises another input device that comprises a touch screen integrated with said display.
8. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet comprises a power switch for switching an operating power on and off.
9. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, and said keypad part comprises a radio transceiver coupled to said main processor through a bidirectional short distance communication link between said keypad part and said amulet for arranging bidirectional radio communication between the personal telecommunication device and the digital cellular radio network.
10. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.

11. *(previously presented)* A personal telecommunication device according to claim 10, wherein the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet.

12. *(previously presented)* A personal telecommunication device according to claim 1, further comprising:

- a third mechanically separate structural part, which is a display part and comprises a display that is larger than the display in said amulet, and
- a short distance communication link between said display part and the other parts of the personal telecommunication device.

13. *(previously presented)* A personal telecommunication device according to claim 1, wherein

- said keypad part is a mobile station of a cellular radio network which is functionally completely independent of said amulet,
- said mobile station comprises a general purpose short distance transceiver for setting up and maintaining short distance communication connections with other devices, and
- said mobile station is adapted to transmit a copy of certain information destined to a display in said mobile station to said amulet through said general purpose short distance transceiver.

14. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet is adapted to communicate with other devices in addition to said keypad part.

15. *(previously presented)* A personal telecommunication device according to claim 14, wherein said amulet comprises a connector for connecting it into a receptive socket in another device.

16. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet is mechanically incompatible with said keypad part.

17. *(previously presented)* An amulet part for a personal telecommunication device, comprising:

- a display for displaying information to a human user of the personal telecommunication device,
- a microphone and an electroacoustic transducer for setting up an audio interface with a user of the amulet,
- a transceiver for establishing a communication between the microphone and electroacoustic transducer and the personal telecommunication device and for receiving information to be presented in said display from another part of the personal telecommunication device, and
- a hanging arrangement for allowing the amulet part to be worn on the torso of the user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet.

18. *(previously presented)* An amulet part according to claim 17, wherein said hanging arrangement comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop.

19. *(previously presented)* An amulet part according to claim 18, wherein the microphone and the electroacoustic transducer are positioned at the end of a cord extending from said body of the amulet part, a certain length of which cord is attached to said string.

20. *(previously presented)* An amulet part according to claim 19, comprising two cords and wherein the microphone and the electroacoustic transducer are each located at the end of one of said cords extending from said body of the amulet part, so that a certain length of each cord is attached to said string and between said certain length and the



microphone or transducer at the end of the cord, each cord hangs free from attachments to said string.

21. *(previously presented)* An amulet part according to claim 17, wherein it comprises a broadcast receiver for receiving radio broadcasts.

22. *(previously presented)* An amulet part according to claim 17, wherein it comprises a memory for storing graphical information that is adapted to be shown on said display as a logo.

23. *(previously presented)* A personal telecommunication device comprising:

- means for allowing a human user to input information to the personal telecommunication device and
- means for displaying information to a human user of the personal telecommunication device,
- two mechanically separate structural parts, of which a first part comprises the means for allowing a human user to input information, and a second part is an amulet that comprises the means for displaying,
- a short distance communication link between said first part and said amulet,
- said amulet further comprising means for allowing said amulet to be worn on the torso of a human user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet and means for setting up an audio interface between the personal telecommunication device and a human user.

24. *(previously presented)* A personal telecommunication device according to claim 23, wherein said first part comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.

25. *(previously presented)* An amulet part for a personal telecommunication device, comprising:

- means for displaying information to a human user of the personal telecommunication device,
- means for setting up an audio interface with a use of the amulet,
- means for establishing a communication between the audio interface means and the personal communication device and for receiving information to be presented on the means for displaying information, and
- means for allowing the amulet part to be worn on the torso of the user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet.

26. *(previously presented)* An amulet part according to claim 25, wherein said means for allowing the amulet part to be worn comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop.